

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 6037 of 2005

Between:

- 1 Rama Rao, s/o late Kotayya, Founder Family Member and Trustee Sri Seetharama Swamy Vari Devasthanam, r/o Enikepadu, Vijayawada rural Mandal, Krishna District.
- 2 Koneru Siva Rama Krishna Rao, s/o late Rama rao, Founder Family Member and Trustee, Sri Seetharama Swamyvari Devasthanam, r/o Enikepadu, Vijayawada rural Mandal, Krishna District.

..... PETITIONERS

AND

- 1 The Assistant Commissioner, Endowments Department, Vijayawada.
- 2 The Mandal Revenue Officer, Vijayawada Rural, Vijayawada.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ or order or direction more particularly one in the nature of writ of mandamus declaring the inaction of the respondents on the representations dated 14-02-2005 and

15-02-2005 submitted by the petitioners and consequentially direct the respondents to consider the representations dated 14-02-2005 and 15-02-2005 according to law and pass such other or further order or orders as are deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.D.V.SITARAMAMURTHY

Counsel for the Respondent No.1: GP FOR ENDOWMENTS

Counsel for the Respondent No.2: GP FOR REVENUE

The Court at the stage of admission made the following:

ORAL ORDER:

Heard both sides. Perused the material placed before me.

Petitioners seek declaration that the action of the respondents in not considering the representations dated 14.2.2005 and 15.2.2005, submitted by the petitioners as illegal and consequently direct the respondents to pass appropriate orders on the said representations.

The grievance of the petitioners is two fold. Firstly, that no member from the founder's family has been inducted as member of the Trust Board. Therefore, both the petitioners made a representation to the respondents seeking appointment of the second petitioner as a member in the Trust Board in the capacity of the member from the founder's family.

Secondly, by mistake, the names of the children of the second petitioner were entered in the revenue records and in the mutation register and the same has to be corrected. It appears that ryotwari passbooks were also issued. However, the petitioners, including the second petitioner, seek correction of the same.

But it is to be seen that so far as the second relief is concerned, there is a different procedure altogether to be taken by the authorities concerned under the revenue laws, particularly, under ROR Act.

It is not in dispute that under ROR Act, the Mandal Revenue Officer is the competent authority to make correction of the entries made in the revenue

records on an application made by the aggrieved persons. Here, in the present case, the aggrieved persons are no other than the elders of the beneficiaries themselves. In other words, the beneficiaries in whose favour the entries were made in the revenue records, pattadar passbooks issued under ROR Act, themselves do not want any such benefit conferred on them in so far as the land endowed in favour of the temple is concerned. However, the petitioners made a representation to the respondents including the Mandal Revenue officer, to take such necessary corrective steps.

Of course, so far as the second relief is concerned, the second respondent has to follow the procedure in accordance with the provisions that are prescribed under ROR Act, which may take some time. But, apropos to the first grievance, there cannot be any difficulty for the respondents to consider the appointment of the second petitioner as member of the Trust Board in the capacity of member from the founder's family. This exercise of consideration of appointment of second petitioner as member of the Trust Board shall be completed within two weeks from today in the light of the fast approaching Sree Rama Navami Festival.

With the above observations and directions, the writ petition is disposed of at the stage of admission. No costs.

24-03-2005

Note:

Issue CC by 28-3-2005

B/O

KVSN

To

1 The Assistant Commissioner, Endowments Department, Vijayawada.

2 The Mandal Revenue Officer, Vijayawada Rural, Vijayawada.

3 Two CCs to GP for Endowments, High Court buildings, Hyderabad.

4 Two CCs to GP for Revenue, High Court buildings, Hyderabad.

5 Two CD copies.